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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,309

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Michael J. Mazzetti

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11/15/2005

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EXAMINER

HINZE, LEO T

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,309

Applicant(s)

MAZZETTI, MICHAEL J.

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-18 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Saurer et al., U.S. Patent No. 4,488,818 (Saurer).

a. Regarding claims 1 and 22, Saurer teaches a timekeeping device comprising; at least one substantially center-located analog indicator (3, 4, Fig. 1), a plurality of multi-function display areas (display 5. Fig. 2 has an infinite number of display areas; three are shown in Fig. 1) positioned about the periphery of said timekeeping device and disposed at hour demarcation points (display areas 11, 22, shown at 6 and 12 o'clock, respectively, Fig. 1), control means of said analog indicator providing time of day ("hour hand 3 and minute hand 4", col. 2, l. 2), and control means (7, Fig. 2) of said display areas providing information selected from the group consisting of numbers (11, Fig. 1) and text (22, Fig. 1; col. 3, ll. 54-56) and graphic symbols (12, Fig. 1).

b. Regarding claim 2, Saurer also teaches wherein a day of the week is represented by at least one alpha-numeric character within a display area. The display 5, Fig. 1, is capable of

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displaying alphanumeric characters (11, 22, Fig. 1; col. 3, ll. 54-56) that represent a day of the week.

c. Regarding claim 3, Saurer also teaches wherein a day of the month is represented by at least one alpha-numeric character within a display area. The display 5, Fig. 1, is capable of displaying alphanumeric characters (11, 22, Fig. 1; col. 3, ll. 54-56) that represent a day of the month.

d. Regarding claim 4, Saurer also teaches wherein the at least one alpha-numeric character is a numeral between 1 and 31 inclusive (11, Fig. 1).

e. Regarding claim 6, Saurer also teaches wherein a month of the year is represented by at least one alpha-numeric character within a display area. The display 5, Fig. 1, is capable of displaying alphanumeric characters (11, 22, Fig. 1; col. 3, ll. 54-56) that represent a month of the year.

f. Regarding claim 7, Saurer also teaches wherein the at least one alpha-numeric character is a numeral between 1 and 12 inclusive (11, Fig. 1).

g. Regarding claim 8, Saurer also teaches wherein a calendar year is represented by at least one alpha-numeric character within a display area. The display 5, Fig. 1, is capable of displaying alphanumeric characters (11, 22, Fig. 1; col. 3, ll. 54-56) that represent a calendar year.

h. Regarding claim 9, Saurer also teaches wherein the at least one alpha-numeric character is a numeral between 00 and 99 inclusive (11, Fig. 1).

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- i. Regarding claim 10, Saurer also teaches wherein numerals between 1 and 12, inclusive (11, Fig. 1) are capable of being displayed in traditional positions for hours 1 through 12 within the display area (display area 5, Fig. 1 can show numerals at hour positions).
- j. Regarding claim 11, Saurer also teaches wherein the hour of the day is represented by at least one alpha-numeric character within a display area. The display 5, Fig. 1, is capable of displaying alphanumeric characters (11, 22, Fig. 1; col. 3, ll. 54-56) that represent the hour of the day
- k. Regarding claim 12, Saurer also teaches wherein numerals between 1 and 12, inclusive (11, Fig. 1) are capable of being displayed in traditional positions for hours 1 through 12 within the display area (display area 5, Fig. 1 can show numerals at hour positions) during the anti meridian period of the day.
- l. Regarding claim 13, Saurer also teaches wherein numerals between 13 and 24, inclusive (11, Fig. 1) are capable of being displayed in traditional positions for hours 1 through 12 within the display area (display area 5, Fig. 1 can show numerals at hour positions) during the post meridian period of the day.
- m. Regarding claim 14, Saurer also teaches wherein symbols displayed in the display area are selected from the group consisting of icons (12, Fig. 1).
- n. Regarding claim 15, Saurer also teaches wherein hour indicators are capable of being selectively made visible within the display area while other indicators are made blank thereby providing appealing graphical patterns (control 7 controls the locations and durations of the displayed information).

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o. Regarding claim 16, Saurer also teaches wherein the hour indications within the display area are capable of periodically changing appearance thereby conveying a continuous passage of time (control 7 controls the locations and durations of the displayed information).

p. Regarding claim 17, Saurer also teaches wherein previously stored information is shown at the display area selected from the group consisting of names (“XYZ,” Fig. 1).

q. Regarding claim 18, Saurer also teaches wherein digital chronometer functions are capable of being shown at the display areas thereby conveying information selected from the group consisting of stopwatch values and elapsed time values and alarm clock settings and alternate time zones. The display 5 displays whatever “information concerning time measurement, etc.” (col. 2, ll. 29-30) that is input by 7 and 8 (col. 2, ll. 15-16).

r. Regarding claim 20, Saurer teaches a timekeeping device comprising; at least one analog indicator (3, 4, Fig. 1), a changeable display area (5, Fig. 1), and the capability of producing hour indicators that can be positioned in rotated locations by means of the changeable display area to represent an alternate time zone (control 7 controls the locations and durations of the displayed information).

s. Regarding claim 21, Saurer also teaches wherein visible elements of a display area disposed at hour demarcation points can progressively transition in appearance thereby conveying general purpose trend information (control 7 controls the locations and durations of the displayed information).

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Response to Arguments

3. Applicant's arguments with respect to claims 1-4, 6-18 and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze
Patent Examiner
AU 2854
10 November 2005



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